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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

v.

EAGLE EYES TRAFFIC INDUSTRIAL
CO., LTD.; E-LITE AUTOMOTIVE,
INC.; HOMY HONG-MING HSU; and
YU-CHU LIN, aka David Lin,

Defendants.

No. CR 11-0488 RS

**JOINT STIPULATION
FOR PRETRIAL SCHEDULING AND
[PROPOSED] ORDER**

The United States and Defendants Eagle Eyes Traffic Industrial Co., Ltd., E-Lite Automotive Inc., and Homy Hong-Ming Hsu hereby stipulate and agree:

1. The following dates that were originally set in the Court's Order of January 19, 2012 are now vacated: the date of June 5, 2012 for a pretrial conference; the date of May 4, 2012 by which the government was to make available certain disclosures under Crim. L.R. 16(c)(1)-(4) and by which defendants were to make available certain reciprocal discovery; and the date of May 8, 2012 for a motions hearing and status conference.

2. The date that was originally set in the Court's Order of March 8, 2012 and by which the parties will attempt to file any translation-related stipulations, if any, or else lodge objections is extended from April 30, 2012 to May 30, 2012. By May 11, 2012, the government

1 will provide the defendants with revised and additional document translations.

2 3. The pretrial conference contemplated by Crim. L.R. 17.1-1(a) will be September
3 11, 2012, at 1:30 p.m. (13 days before the start of trial on September 24, 2012).

4 4. Defendants will make available any reciprocal discovery under Fed. R. Crim. P.
5 16(b)(1)(A) and (B) and the government will make available any additional disclosures under
6 Crim. L.R. 16(c)(1)-(4) by 55 days before the start of trial, unless on that date there is a motion
7 pending for a trial continuance. The date 55 days before a September 24 start of trial is July 31,
8 2012.

9 5. There will be a motions hearing 27 days before the start of trial. The date 27 days
10 before a September 24 start of trial is August 28, 2012. The parties agree the following briefing
11 schedule will govern pretrial motions, except for motions relating to defendant Homy Hsu's
12 experts and motions *in limine*:

13 a. On or before 28 days before the motions hearing date, the parties will file
14 initial moving papers;

15 b. On or before 14 days before the hearing date, the parties will file any
16 opposition papers;

17 c. On or before 7 days before the hearing date, the parties will file any reply
18 papers.

19 6. Counsel for Homy Hsu will make available any expert discovery under Fed. R.
20 Crim. P. 16(b)(1)(C) by 55 days before the start of trial. The date 55 days before a September 24
21 start of trial is July 31, 2012. The parties agree the following briefing schedule will govern
22 motions relating to Homy Hsu's experts:

23 a. Motions relating to Homy Hsu's experts will be heard at the motions
24 hearing 27 days before the start of trial;

25 b. No later than 21 days before the motions hearing the government will file
26 any motions relating to Homy Hsu's experts;

1 c. By 14 days before the motions hearing, Homy Hsu will file any
2 oppositions;

3 d. By 7 days before the motions hearing, the government will file any reply
4 papers.

5 7. Motions *in limine* may be heard either at the motions hearing 27 days before trial
6 or at the pretrial conference 13 days before trial. The parties agree that the following briefing
7 schedule will govern motions *in limine*:

8 a. On or before 14 days before the hearing date, the parties will file initial
9 moving papers;

10 b. On or before 7 days before the hearing date, the parties will file any
11 opposition papers;

12 c. There will be no reply papers;

13 d. As issues arise, the parties may also file bench briefs and/or motions *in*
14 *limine* prior to and during trial.

15 8. By 7 days before the pretrial conference, the parties will meet and confer and then
16 file with the court (1) any stipulation regarding a written jury questionnaire; (2) jury voir dire
17 questions; (3) proposed jury verdict forms; and (4) a joint set of the primary jury instructions
18 including of an agreed set of instructions and, in the event the parties are unable to agree to the
19 language of a particular instruction, the parties will provide written objections and/or alternative
20 proposed instructions. The defense and the government may request additional and supplemental
21 instructions prior to and during trial.

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1 IT IS SO STIPULATED.

2
3 DATED: April 30, 2012.

/s/

JACKLIN CHOU LEM
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Attorneys for the United States

12 IT IS SO STIPULATED.

13 DATED: April 30, 2012.

/s/

BECKY WALKER JAMES
Attorney for Defendant Horny Hong-Ming Hsu

17 IT IS SO STIPULATED.

18 DATED: April 30, 2012.

/s/

KENNETH JULIAN
Attorney for Defendants Eagle Eyes Traffic
Industrial Co., Ltd. and E-Lite Automotive, Inc.

21 IT IS SO ORDERED.

23 DATED: 5/7, 2012



Honorable Richard Seeborg
United States District Judge